

Thurston County  
WATER CONSERVANCY BOARD  
Application for Change/Transfer  
Record of Decision

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

- ☐ Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- ☒ Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

DATE APPLICATION RECEIVED December 15, 2003	CERTIFICATE NUMBER G2-20153C	CHANGE APPLICATION NUMBER THUR-03-07
NAME Larry Weaver		
PHONE (360) 790-9101		
ADDRESS (STREET) P O Box 446	(CITY) Rochester	(STATE) WA
(ZIP CODE) 98579		

DECISION HISTORICAL SUMMARY

Existing Use						Proposed Use					
QUANTITY, TYPE OF USE, PERIOD OF USE 48 Acre-Feet/Year, 250 GPM Irrigation, April 15 to October 1, each year						QUANTITY, TYPE OF USE, PERIOD OF USE 4 Acre-Feet/Year, 25 GPM, municipal water system operated by the City of Oakville, year-round use					
SOURCE Existing well located at 7216 – 187 <sup>th</sup> Avenue SW, Rochester (Thurston Co Tax Parcel #13503140501)						SOURCE Existing Well #3, a part of the City of Oakville Municipal Water System.					
NO. 1	1/4 SE	1/4 NE	SECTION 03	TOWNSHIP N. 15 N	RANGE, 3WWM	NO. 3	1/4 SW	1/4 SW	SECTION 30	TOWNSHIP N. 16 N	RANGE, 4WWM
Place of Use: LEGAL DESCRIPTION OF LANDS WHEREWATER IS PRESENTLY USED: S½ SE¼ NE¼, Sec. 3, T. 15 N., R. 3 W.W.M. AND beginning at the quarter section corner between Secs. 2 and 3, T. 15 N., R. 3 W.W.M.; thence north on the section line 598.1 feet; thence south 38°3’30” east to the east and west center line of said Sec. 2; thence west to the point of beginning, LESS rights of way (now known as Lots 2, 3 and 4 of Thurston County Large Lot Subdivision No. LLS000124TC and Parcel A of Thurston County Boundary Line Adjustment No. BLA010642TC).						Place of Use: LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED: The area served by the City of Oakville municipal water system, located within Grays Harbor County. See attached Exhibit “A” for Service Area Boundary Map prepared by Gibbs and Olsen.					
NO.	1/4 SE	1/4 NE	SECTION 03	TOWNSHIP N. 15 N	RANGE, 3WWM	NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE,
						Proposed Use					
						QUANTITY, TYPE OF USE, PERIOD OF USE 44 Acre-Feet/Year, 225 GPM, municipal water system operated by the Rochester Water Association, year-round use					
						SOURCE Existing wells (Huhta and Brewer Well Field), which are a part of the Rochester Water Association.					
						NO. 6	1/4 SW	¼ SW	SECTION 33	TOWNSHIP N. 16 N	RANGE, 3WWM
						9	SW	NE	33	16 N	3WWM
						Place of Use: LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED: The area served by the Rochester Water Association, located within Thurston County. See attached Exhibit “B” for Service Area Boundary Map prepared by JWM&A.					
						NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE,

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is:     X Exempt     □ Not exempt

BOARD DECISION

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
N/A	25	4	Municipal water system operated by the City of Oakville, year-round use.				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
Existing Well #3			N/A				
AT A POINT LOCATED: PARCEL NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
16043033004	SW	SW	30	16 N	4WWM.		Grays Harbor
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
The service area of the municipal water system operated by the City of Oakville. See attached Exhibit “A” for Service Area Boundary Map prepared by Gibbs and Olsen.							
PARCEL NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE,		

DESCRIPTION OF PROPOSED WORKS

Existing Well #3 is part of the municipal water system operated by the City of Oakville, which consists of two intertied wells, authorized under Certificate of Water Right No. G2-20572. See the following Report of Examination.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
Started	August 2014	August 2015

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
N/A	225	44	Municipal water system operated by the Rochester Water Association, year-round use.				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
Existing Huhta Well (#6) and Brewer Well Field (#9, consisting of 2 wells)			N/A				
AT A POINT LOCATED: PARCEL NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
#6: 31830100000	SW	SW	33	16 N	3 WWM		Thurston County
#9: 36700002304	SW	NE	33	16 N	3 WWM		Thurston County
36700002311	SW	NE	33	16 N	3 WWM		Thurston County
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
The service area of the municipal water system operated by the Rochester Water Association. See attached Exhibit “B” for Service Area Boundary Map prepared by JWM&A.							
PARCEL NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE,		

DESCRIPTION OF PROPOSED WORKS

The existing Huhta Well (#6) and Brewer Well Field (#9) is part of the Municipal Water System operated by the Rochester Water Association. The Huhta Well is 12 inches in diameter and 90 feet deep, and is authorized under Certificate of Water Right No. G2-22743C for 500 gallons per minute and 150 acre-feet per year. The Brewer Well Field consists of two wells which are both 8 inches in diameter, with one well being 71 feet deep and the other 77 feet deep. The Brewer wells are authorized under Certificate of Water Right No. G2-23792C for 200 gallons per minute and 57.4 acre-feet per year. See the following Report of Examination.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
Started	August 2014	August 2015

# **REPORT OF EXAMINATION**

## **BACKGROUND:**

### **Application.**

On December 15, 2003, at a regular public meeting of the Water Conservancy Board of Thurston County (the "Board"), Larry Weaver filed an application (see attached Exhibit "C") with the Board to change the purpose of use, point of withdrawal, and place of use of Ground Water Certificate No. G2-20153C. See attached Exhibit "D" for copy of the subject Certificate of Water Right. With a priority date of April 24, 1972, this certificate authorizes the withdrawal of 250 gallons per minute (gpm) and 48 acre-feet per year (afy) from a well located within the SE¼ NE¼ Section 3, Township 15 N., Range 3 W.W.M. Withdrawal of ground water is authorized from April 15 to October 1, each year, for the irrigation of 24 acres. Transfer application THUR-03-07 was accepted for processing by the Board on December 15, 2003.

There is a total of four new points of withdrawal proposed. The first being existing Well #3, which is part of the City of Oakville municipal water system. 25 gpm and 4 afy will be withdrawn on a year-round basis for the purpose of serving domestic water for future residential connections, and to fulfill the service requirements in the existing and future service areas of the City of Oakville.

The other new points of withdrawal proposed are the existing Huhta Well (#6) and the Brewer Well Field (#9, consisting of two wells), which are part of the Rochester Water Association municipal water system. 225 gpm and 44 afy will be withdrawn on a year-round basis for the purpose of serving domestic water for future residential connections, and to fulfill the service requirements in the existing and future service areas of the Rochester Water Association.

### **Notices.**

A public notice of the application was published for two consecutive weeks, on May 29 and June 5, 2004, in The Olympian, a newspaper of general circulation within Thurston County. A copy of the Affidavit of Publication dated June 5, 2004 is attached as Exhibit "E". The deadline for filing a protest to this application based on the publication in The Olympian was 30 days after the second publication date of June 5, 2004. In addition, a public notice of the application was published on June 3 and June 10, 2004 in The Vidette, a newspaper of general circulation within Grays Harbor County. A copy of the Affidavit of Publication dated June 10, 2004 is attached as Exhibit "F". The deadline for filing a protest to this application based on the publication in the Vidette was 30 days after the second publication date of June 10, 2004.

An initial publication notice was published in the Olympian and the Vidette, however a second publication was required since there was a substantive error in the initial notice.

A public hearing was conducted at Oakville City Hall on June 15, 2004 at 6:00 PM. A notice of the public hearing was included in the public notice of the application, which was published on June 3 and June 10, 2004 in The Vidette, a newspaper of general circulation within Grays Harbor County. A copy of the notice of the public hearing was also posted at the Oakville City Hall, prior to the public hearing.

An earlier public hearing was held on this application on April 27, 2004. However, due to the substantive error in the legal notice that required republication, another public hearing was also held.

## **COMMENTS AND PROTESTS:**

The Board received no objections or comments during the public comment period nor at either of the two public hearings held in Oakville.

## **INVESTIGATION:**

### **Site Investigation.**

An on-site field investigation was conducted by Commissioners Jerry Louthain and Jon Hare on April 27, 2004. The applicant, Larry Weaver, met the Commissioners and was present during their investigation at the existing point of withdrawal and place of use, and the proposed points of withdrawal for the Rochester Water

Association. Dan Thompson, the City of Oakville Public Works Director was present during the investigation of the proposed point of withdrawal and place of use in Oakville.

Mr. Weaver showed the Commissioners the existing point of withdrawal, which is an 8-inch diameter well that is 62 feet deep, and the property which has formerly been irrigated under the existing water right. In addition, Mr. Weaver showed the Commissioners the proposed points of withdrawal for the Rochester Water Association.

Dan Thompson of the City of Oakville showed the Commissioners the proposed point of withdrawal for the City of Oakville Well No. 3.

The property shown on the existing water right is currently not being irrigated, as this property is now being developed into single family homes on large lots, each with their own individual domestic well. The property is all cleared, flat land and appears to have been irrigated in the past. Further information is shown below related to documentation of prior irrigation of the property described on the existing place of use.

#### **State Environmental Policy Act (SEPA) Compliance.**

The governmental action relating to the subject application is exempt from the "detailed statement" preparation requirements of SEPA (WAC 197-11-800(4)). The application neither involves appropriations of one (1) cubic feet per second or more of surface water for irrigation purposes or appropriations of 2,250 gallons per minute or more of ground water for any purpose.

#### **Description of Existing Water Right - Validity and Extent.**

The application states that the existing water right (G2-20153C) is used for the purpose of irrigation, from April 15 to October 1, each year. The Certificate of Water Right, under a priority date of April 24, 1972, authorizes the withdrawal of 48 acre-feet annually for irrigation of 24 acres, with a maximum instantaneous withdrawal of 250 gallons per minute.

Although Mr. Weaver does not have any records documenting the rate of withdrawal or the amount of water that has been used previously for irrigation of the existing place of use, material has been provided by the applicant to document that the property has been irrigated as late as 2001, and prior to the construction of the single family homes on the property. Letters have been provided by two adjoining property owners, Mr. Derrick Johnson, and Vern and Betty Spurgin, which state the property described in the existing place of use has been consistently irrigated each year up to the dates of their letters in 2001. Mr. Johnson had his cattle on this property, which was irrigated pastureland and Mr. and Mrs. Spurgin, whose home adjoins this property, stated they have observed consistent irrigation for each year they have lived at this location. In addition, Mr. Weaver provided several photos, showing irrigation activity on the property and the well which is the existing point of withdrawal and irrigation pipe lying next to the well. In addition, Mr. Weaver has provided a copy of billing statements from Puget Sound Energy showing electrical service charges for this property in 2000 and 2001. Mr. Weaver has also indicated verbally that this well was consistently used for irrigation.

Information provided by the applicant related to the existing well shows that it was drilled in 1962. The application for the water right was filed in 1972, and at the time of the field examination in 1973 for the water right application, in the Report of Examination by the field examiner he stated that the project was completed. The field examiner also recommended that the water right be issued for 24 acres of irrigation and in an amount of 48 afy based on the irrigation water requirement for this area of two afy per acre of irrigation.

The amount of property described on the existing place of use is approximately 24 acres, and from the site visit and the documentation provided, it appears that the entire 24 acres has been irrigated in recent years and there is no information to the contrary that this site has been irrigated on a consistent basis over the life of the existing water right.

Based on the above, and with no information to the contrary, the Board finds that the entire amount of the existing water right of 48 afy for the irrigation of 24 acres has been put to beneficial use and no portion of this water right has been lost due to non-use for a period of five consecutive years, and is therefore available for transfer.

### **Impairment of Other Existing Water Rights.**

The intent of this application is to transfer the water rights from an existing irrigation well to existing wells with existing water rights owned by two municipal water purveyors, the Rochester Water Association and the City of Oakville. Approval of this application would result in the elimination of the withdrawal of 250 gpm and 48 afy from the existing irrigation well which is located approximately two miles east of Rochester and transfer this water right in a westerly, down gradient, direction with 225 gpm and 44 afy being transferred approximately two miles westerly to existing wells owned by Rochester Water Association, and with 25 gpm and 4 afy being transferred approximately seven miles westerly to an existing well owned by the City of Oakville.

In looking at the impairment issue from a regional standpoint, this proposed transfer would have a positive result, since it is a “downstream” transfer, which would result in the ground water being withdrawn down gradient from the existing point of withdrawal. This means that there will be less water withdrawal in the upper portion of the Chehalis River basin, which will have a positive effect on stream flows in the Chehalis River basin, if there was any impact on stream flows from the existing point of withdrawal. This also means that with this transfer, there would be an increase in ground water availability between the existing point of withdrawal and the proposed points of withdrawal.

In addition, with the change in purpose of use from an irrigation right, which is used only during the irrigation season, to municipal supply, which is used on a year-round basis, there will be a reduction in the amount of water withdrawn from the Chehalis River basin during the dry summer months each year.

The Rochester Water Association has existing water rights under Certificate No. G2-23792C for 200 gpm and 57.4 afy for the Brewer wellsite (two wells) and Certificate No. G2-22743C for 500 gpm and 150 afy for the Huhta wellsite, or a total of 700 gpm and 207.4 afy for these two water rights. With the proposed transfer of an additional 225 gpm and 44 afy, this would make their total water rights for these wells amount to 925 gpm and 251.4 afy. The existing pumping capacity for the Brewer wellsite and Huhta wellsites is equal to their existing water rights of 200 gpm and 500 gpm respectively. The Rochester Water Association plans to increase the existing pumping capacity for these two sites to their newly authorized pumping capacity during the time authorized under the **DEVELOPMENT SCHEDULE**.

There are no documented reports of any existing impairment of other existing water rights as a result of the current withdrawals at the Brewer and Huhta wellsites. Increasing the pumping rate by a total of 225 gpm for the withdrawal of an additional 44 afy for the two Brewer wellsite wells and the Huhta wellsite well, from their current total pumping capacity of 700 gpm and annual withdrawal of 207.4 afy, should not result in any impairment of any other existing wells in the vicinity.

The City of Oakville has a Water Right Certificate No. G2-20572, for their Well No. 3, for 500 gpm and 90 afy for their municipal water use. Transferring an additional 25 gpm and 4 afy to Oakville’s existing water withdrawal would result in essentially no impact to any surrounding existing water right holders.

The Board therefore finds, after reviewing the information provided by the applicant and the information gathered in its site investigation, that the quantity and instantaneous water rights proposed for the municipal water systems operated by the City of Oakville and Rochester Water Association will not impair the water rights of adjacent water right holders. Certainly no evidence was presented or obtained which indicates the water rights of nearby groundwater and surface water users will be impaired by approval of this application.

### **Public Interest Considerations.**

Water service to existing and future development by a municipal water system is an improvement over existing development patterns characterized by individual wells and smaller Group B “six-pack” type water systems because it allows single source monitoring of the quantity and quality of the beneficial use by municipal water purveyor. In addition, conservation will be encouraged by individual lot metering and charges based upon consumption.

### **Relinquishment or Abandonment.**

As the water right proposed for change is in a valid exercisable certificated status, the statutory forfeiture provisions of Chapter 90.14 RCW are inapplicable. In terms of abandonment, no intent by the certificate holder to abandon said right exists, nor is anything in the historical analysis to demonstrate an intent to abandon by a previous owner.

**CONCLUSIONS:**

- 1. **Validity and Extent of Water Right.** The applicant has demonstrated by the evidence presented that the existing water right is valid and there is no evidence to the contrary that the extent of water available for the proposed change of place of use and change in the point of withdrawal, is 48 acre-feet per year, at a maximum instantaneous withdrawal rate of 250 gpm.
- 2. **Relinquishment/Abandonment.** There is no evidence of statutory relinquishment pursuant to RCW 90.14, nor is there any evidence of any intent of the current or past owners to abandon the water right authorized under Ground Water Certificate No. G2-20153C.
- 3. **Hydrogeologic Analysis.** See discussion above in the section entitled “Impairment of Other Existing Water Rights”.
- 4. **Comments/Protests.** The Board received no objections or comments during the public comment period.
- 5. **Impairment of Other Water Rights.** There is no evidence that relocating the point of withdrawal will result in any impairment to other water right holders or surface water flows in the area.
- 6. **Public Interest.** Providing a single source of water for future development that is operated by a municipal water purveyor in accordance with the regulations of the State of Washington Department of Health appears to be in the public interest, from a public health perspective.

**DECISION:**

Based on conclusions above, the decision of the Board is to approve the water right transfer application of Larry Weaver to provide the following changes to of Groundwater Certificate No. G2-20153C:

- 1. The City of Oakville point of withdrawal shall be the existing Well #3, located in the SW ¼ of the SW ¼ of Section 30, Township 16 N, Range 4, W.W.M., Grays Harbor County Tax Parcel No. 16043033004, located in the City of Oakville, Washington.
- 2. The maximum water right transfer authorized to the municipal water system operated by the City of Oakville is 25 gallons per minute and 4 acre-feet per year.
- 3. The place of use shall be the existing and future service area of the municipal water system operated by the City of Oakville.
- 4. The Rochester Water Association points of withdrawal shall be existing Huhta Well (#6) and Brewer Well Field (#9, consisting of 2 wells), located in the SW ¼ of the SW ¼ and the SW ¼ of the NE ¼ of Section 33, Township 16 N, Range 3, W.W.M., Thurston County Tax Parcels No.’s 36700002304 and 36700002311, located in Rochester, Washington.
- 5. The maximum water right transfer authorized to the municipal water system operated by the Rochester Water Association is 225 gallons per minute and 44 acre-feet per year.
- 6. The place of use shall be the existing and future service area of the municipal water system operated by the Rochester Water Association.

**PROVISIONS:**

**A. Issuance of Superseding Certificates:**

The Department of Ecology shall issue a revised Certificate for Water Right No. G2-20153C to the City of Oakville for 25 gallons per minute, 4 acre-feet per year to reflect the quantity authorized for withdrawal for their municipal water system on a year-round basis.

The Department of Ecology shall issue a revised Certificate for Water Right No. G2-20153C to the Rochester Water Association for 225 gallons per minute, 44 acre-feet per year to reflect the quantity authorized for withdrawal for their municipal water system on a year-round basis.

**B. Construction and Operational Requirements:**

1. In accordance with Chapter 173-160 WAC, wells shall not be located with certain minimum distances of potential sources of contamination. These minimum distances shall comply with local health regulations, as appropriate. In general, wells shall be located at least 100 feet from sources of contamination. Wells shall not be located within 1,000 feet of a solid waste landfill.
2. All wells constructed in the State shall meet the construction requirements of Chapter 173-160 WAC entitled "Minimum Standards for the Construction and Maintenance of Wells" and Chapter 18.104 RCW entitled "Water Well Construction Act (1971)."
3. An approved metering device shall be installed and maintained in accordance with RCW 90.03.360, RCW 90.44.450 and WAC 508-64-020 through B040, and WAC 508-12-030. Meter readings shall be recorded at least monthly.
4. A completed well report of the well shall be submitted by the driller to the Department of Ecology within 30 days of completing each well. All pump test data for a well shall be submitted to the Department of Ecology as it is obtained.
5. Installation and maintenance of an access port as described in Chapter 173-160 WAC is required. An air line and gauge may be installed in addition to the access port.
6. This authorization to make use of public waters of the State is subject to senior existing rights, including any existing rights that may exist of a senior priority held by the United States for the benefit of Tribes under treaty or executive order.
7. Water-pumpage, well-monitoring, and static water-level data, along with a summary and analysis of the data, shall be submitted annually, or more frequently upon request, to Ecology's Southwest Regional Office Water Resources Program.
8. The permittee is advised that notice of Proof of Appropriation of water (under which the final certificate of water right is issued) should not be filed until the permanent distribution system has been constructed and that quantity of water allocated by the permit to the extent water is required, has been put to full beneficial use.
9. Under RCW 90.03.005 and RCW 90.54.020(6), conservation and improved water use efficiency must be emphasized in the management of the State's water resources, and must be considered as a potential new source of water. Accordingly, as part of the terms of this water right *transfer*, the applicant shall prepare and implement a water conservation plan approved by the Department of Health. The standards for such a plan may be obtained from either the Department of Health or the Department of Ecology.
10. The applicant is not permitted to withdraw water as provided in the Decision of Approval of Changes until a final decision by the director of the Department of Ecology is rendered as provided in RCW 90.80.080.

**APPROVAL/REJECTION:**

**Approval/Rejection:**

The Water Conservancy Board of Thurston County hereby recommends approval for the water right changes described within this record decision on 8/16/04 and submits this Record of Decision and Report of Examination to the director of the Department of Ecology for final review and departmental action.

Signed:

\_\_\_\_\_  
Nick Adams, Chairman

\_\_\_\_\_  
Michael Rhubright, Vice-Chairman

\_\_\_\_\_  
Jerry Louthain, Secretary

\_\_\_\_\_  
Jon Hare, Commissioner

\_\_\_\_\_  
Tom Myrum, Commissioner

Date: \_\_\_\_\_ Accepts/Rejects/Abstains

Date: 8/16/04 Accepts/Rejects/Abstains

Date: 8/16/04 Accepts/Rejects/Abstains

Date: 8/16/04 Accepts/Rejects/Abstains

Date: 8/16/04 Accepts/Rejects/Abstains

**Rejection Opinion:**

None.

Delivered to the Director, Washington State Department of Ecology and Southwest Regional Office Department of Ecology on August 18, 2004

Date Mailed to Applicant and Interested Parties: August 18, 2004

## LIST OF EXHIBITS

- Exhibit A: City of Oakville Municipal Water System Service Area Map
- Exhibit B: Rochester Water Association Municipal Water System Service Area Map
- Exhibit C: Water Right Transfer Application #THUR-03-07
- Exhibit D: Ground Water Certificate #G2-20153C
- Exhibit E: Affidavit of Publication from The Olympian for Public Notice
- Exhibit F: Affidavit of Publication from The Vidette for Public Notice



**For attachments not included or for more information please contact:**

**Don Davidson  
Water Resources Program  
Department of Ecology, Southwest Region Office  
300 Desmond Drive  
Lacey, WA 98504-7775  
(360) 407-0275 phone**

[ddav461@ecy.wa.gov](mailto:ddav461@ecy.wa.gov)